

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2014 OCT 15 PM 3:08

DEPUTY CLERK *BDG*

UNITED STATES OF AMERICA

v.

MUHAMMED RAFIQ

No. 5-14-CR-132-C
[Supersedes Indictment filed
September 10, 2014]

FIRST SUPERSEDING INDICTMENT

The Grand Jury Charges:

Count One

Conspiracy to Distribute and Possess with Intent to Distribute XLR11
(Violation of 21 U.S.C. § 846)

Beginning on or about a date unknown to the grand jury and continuing until on or about the date of this first superseding indictment, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Muhammed Rafiq**, defendant, did knowingly and intentionally combine, conspire, confederate, and agree together and with persons known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of 1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole, also known as XLR11, a schedule I controlled substance., in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

In violation of Title 21, United States Code, Section 846.

Count Two

Possession with Intent to Distribute XLR11 and Aiding and Abetting
(Violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); and 18 U.S.C. § 2)

On or about August 20, 2014, in the Lubbock Division of the Northern District of Texas and elsewhere, **Muhammed Rafiq**, defendant, did knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of 1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole, also known as XLR11, a schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and Title 18, United States Code, Section 2.

Forfeiture Notice
(18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

Upon conviction of the offense alleged in count one or two of this first superseding indictment and pursuant to 21 U.S.C. § 853(a), defendant, **Muhammed Rafiq**, defendant, shall forfeit to the United States of America any property constituting, or derived from, any proceeds he obtained, directly or indirectly, as a result of the offense, and any of his property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

Pursuant to 21 U.S.C. § 853(p), if any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property described above.

TRUE BILL:

Hil McMurtry

FOREPERSON

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

JUSTIN CUNNINGHAM

Assistant United States Attorney
Texas State Bar No. 24045260
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Lubbock, Texas 79401
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

LUBBOCK DIVISION

THE UNITED STATES OF AMERICA

v.

MUHAMMED RAFIQ

SUPERSEDING INDICTMENT

- COUNT 1: CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT
TO DISTRIBUTE XLR11
Title 21, United States Code, Section 846
- COUNT 2: POSSESSION WITH INTENT TO DISTRIBUTE XLR11 AND
AIDING AND ABETTING
Title 21, United States Code, Sections 841(a)(1) and 841 (b)(1)(C);
and Title 18 United States Code, Section 2.

(2 COUNTS)

A true bill rendered:

Lubbock

Tim McClintock

Foreperson

Filed in open court this 15th day of October A.D. 2014.
Clerk

ON FEDERAL PRETRIAL RELEASE

Manuel Kasai
UNITED STATES MAGISTRATE JUDGE